

REMARKS

The Examiner is thanked for indicating the allowability of claims 2, 8, 15 - 17, 20 - 24, 38, 39, 41, 43, 46, 50 and 51. The only issues outstanding in the Office Action mailed October 15, 2004, are the requirement for restriction, the objection to the claims, and the rejections under 35 U.S.C §§112 and 103. Reconsideration of all of these issues, in view of the following discussion, is respectfully requested.

Requirement for Restriction

It is respectfully submitted that claims 35 and 36, directed to processes of making the films of claim 1, should be rejoined upon an indication of allowability of claim 1. It is respectfully submitted that claim 1 is allowable in view of the following discussion, and rejoinder is now appropriate.

Objection to Claims

The Examiner is thanked for pointing out various typographical errors in claims 25 and 42. Minor typographical amendments have been made to these claims, which do not change the scope thereof, either literally or for purposes of the doctrine of equivalents. Reconsideration of the objection is respectfully requested.

Rejections Under 35 U.S.C §112

The Examiner is also thanked for pointing out various typographical errors in claims 42, 48, 49, 52 and 53. Minor typographical amendments have also been made to these claims, which amendments do not change the scope thereof, either literally or for the

purposes of the doctrine of equivalents. Withdrawal of these rejections is therefore also respectfully requested.

Rejections Under 35 U.S.C §103

Four separate rejections have been made under 35 U.S.C §103, each employing Roeber et al. '492, either singly or taken in combination with various secondary references. In view of the following discussion of Roeber, it is submitted that each of these rejections should be withdrawn.

Roeber discloses a "thermoplastic multilayer composite" containing various layers I - IV. Patentees discloses that these "layers" can be used to produce *pipes*, for example, underground supply lines for fuel stations, or for fuel tanks. See column 1, lines 23 - 30. Patentees moreover disclose that the composites are used in "construction parts", such as multilayer pipes for the transport of petrochemicals, brake, cooling or hydraulic fluids, or water pipes for drinking water. Patentees moreover indicate that the materials can be used as fuel tanks, filling ports, etc. See column 7, lines 11 - 34. In their disclosure, Patentees do not discuss specifically the thickness of the layers used as pipes, etc., with the only indicator of thickness of the layers being found in the examples. Patentees' examples disclose materials having layer thicknesses of the substantial size of 1 mm, see column 9, lines 26 - 30.

It is respectfully submitted that patentees fail to teach layers thin enough to function as *films* as recited in claim 1, much less to teach materials such as those of 23, reciting a thickness of 1 - 200 microns. "Films" would clearly be understood by one of ordinary skill in the art to differ from the comparatively thick constructs - pipes, underground supply lines, etc. - of the patent. It is respectfully submitted that the patent fails to disclose the production of films, e.g., of the recited thickness in claim 23, and indeed fails to disclose production of

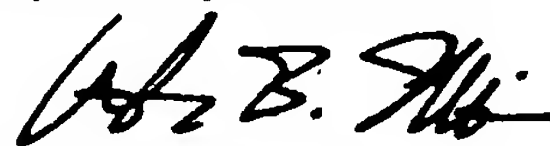
films per se, as recited in independent claim 1. Table 3, at column 10 of the patent, relied on the Office Action, is consistent with this analysis. In table 3, layers E, H, 6, 7 and 8 are each one millimeter, in total, i.e., 1000 μ m. Layer F is .8 mm or 800 microns. Thus, the teachings of the patents are for layers considerably in excess of the thickness of a "film", much less the thickness recited for layer A in claim 23.

None of the cited secondary references remedy this deficiency in Roebert. As a result, it is submitted that the references, even in combination, do not suggest the production of a *film*, much less one having a total thickness of A layers of 1 - 200 microns. Accordingly, it is submitted that the references fail to suggest the presently claimed materials, and withdrawal of each of the rejections is respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Harry B. Shubin, Reg. No. 32,004
Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO &
BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: ATOCCM-244

Date: February 15, 2005